

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew Smith (Reg. No. 43,132) on 1/23/09.

The application has been amended as follows:

Claim 63:

In line 1, replace -- "75" -- with -- "59" --.

Claim 64:

In line 1, replace -- "75" -- with -- "59" --.

Claim 75:

In line 30, replace -- "the first faceprint" -- with -- "a first faceprint" --.

Claim 106:

In line 23 (the last line), replace the -- "." -- with a -- "," -- and on the following line add the following -- "wherein the set of face classifier parameters may be subdivided into two or more subsets of face classifier parameters wherein each subset

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facilitates a particular step of the comparing and determining a match of said set of face classifier parameters with a previously determined known identity.” --.

Claim 108:

Cancel claim 108.

Claim 109:

In line 1, replace -- “108” -- with -- "106" --.

Claim 110:

In line 1, replace -- “108” -- with -- "106" --.

Claim 112:

Cancel claim 112.

Claim 113:

In line 1, replace -- “112” -- with -- "121" --.

Claim 117:

In between lines 3 and 4 add the following -- “using a processor to perform the steps of:” --.

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Claim 120:

In line 1, replace -- “112” -- with -- "121" --.

Claim 121:

In between lines 3 and 4 add the following -- “using a processor to perform the steps of:” --.

Claim 122:

In line 1, replace -- “112” -- with -- "121" --.

**DETAILED ACTION**

1. This action is responsive to papers filed on 12/19/08.

***Response to Amendment***

2. In response to applicant's amendment received on 12/19/08, all requested changes to the claims have been entered. Claims 1, 10, 62 and 111 have been cancelled.

***Terminal Disclaimer***

3. The terminal disclaimer filed on 12/19/08 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent application 10/764,274 has been reviewed and is accepted. The terminal disclaimer has been recorded.

4. The terminal disclaimer filed on 12/19/08 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent application 10/764,336 has been reviewed and is accepted. The terminal disclaimer has been recorded.

5. The terminal disclaimer filed on 12/19/08 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent application 10/763,801 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Allowable Subject Matter***

6. Claims 2-9, 11-61, 63-107, 109, 110 and 113-149 are allowed.

7. The following is an examiner's statement of reasons for allowance:

The subject matter of the previously dependent claims 17, 21 59, 71, 75, 108, 117 and 121, as found in the papers filed on 1/22/04, which were indicated, by the lack of a prior art rejection, as allowable subject matter in the office action mailed on 9/29/08, have been add to the subject matter of independent claims, including any intervening claims, and as a result all the claims are now in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON W. CARTER whose telephone number is (571)272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron W Carter/  
Primary Examiner, Art Unit 2624